

DAVID SAMSON  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 03102  
Attorney for Board of Medical Examiners

FILED

February 10, 2003

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

By: Jeri L. Warhaftig  
Deputy Attorney General  
Tel: 973-648-7457

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF:

Administrative Action

RUDOLPH AGRESTA, JR., D.O.

CONSENT ORDER OF  
VOLUNTARY SURRENDER  
WITHOUT PREJUDICE

TO PRACTICE MEDICINE AND SURGERY  
IN THE STATE OF NEW JERSEY

This matter was opened to **the State** Board of Medical Examiners upon receipt of notice that Rudolph Agresta, Jr., D.O. (respondent) was arrested on **or** about November 5, 2002 and charged with a violation of N.J.S.A. 2C:35-5a.(1)b.(4), i.e. distribution of a controlled dangerous substance. The doctor being desirous of resolving this matter, without admissions, and on an interim basis and the Board having found the within disposition adequately protective of the **public** health, safety and welfare,

IT IS ON THIS 29<sup>th</sup> DAY OF January, 2003

ORDERED:

CERTIFIED TRUE COPY

1. Respondent, **Rudolph Agresta, Jr., D.O.**, is hereby granted leave and shall immediately surrender his license to practice **medicine** and surgery in **the State** of New Jersey pending the outcome of the criminal charges referenced herein.

2. Upon **proof** of resolution of the criminal charges, respondent is granted leave to petition for an **appearance** before a **committee** of the Board at which time he shall demonstrate his **fitness to engage in** the practice of medicine.

3. Respondent shall immediately return his original New **Jersey license** and current biennial registration to the New Jersey State Board of Medical Examiners, 140 E. Front Street, Second floor, Trenton, New Jersey 08608.

4. **Respondent** shall immediately return his original CDS **registration** to the New Jersey State Board of **Medical** Examiners, 140 E. Front Street, Second floor, New Jersey 08608, immediately upon receipt of this **Order** and shall not prescribe or dispense any Controlled Dangerous Substances.

5. Respondent shall immediately advise the DEA of this **Order**.

6. Respondent shall comply with the "Directives Applicable to Any Medical Board Licensee who is Suspended, Revoked, or whose Surrender of Licensure has been Accepted" which is attached hereto and made a part hereof.

7. By this Order Respondent **makes** no admission of wrongdoing.  
This Order is entered without prejudice to the further investigation and prosecution of this matter by the Attorney General.

NEW JERSEY STATE BOARD OF  
MEDICAL EXAMINERS

By: William V. Harrer MD BLD  
William V. Harrer, M.D., B.L.D.  
Board President

I have read and understood the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Rudolph Agresta, Jr., D.O.

Consented to as to form:

Robert L. Galantucci, Esq.

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE  
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE  
HAS BEEN ACCEPTED**

**APPROVED BY THE BOARD ON MAY 10, 2000**

All licensees who are **the subject** of a disciplinary order of the Board **are** required to **provide** the information required on **the addendum** to **these** directives. The information **provided** will **be** maintained **separately** and will **not be** part of the public document filed with the Board. **Failure to provide** the information **required may result** in further disciplinary action for failing to cooperate with **the Board, as required by N.J.A.C. 13:45C-1 et seq.** Paragraphs 1 through 4 **below shall apply when a license is suspended or revoked or permanently surrendered, with or without prejudice.** Paragraph 5 applies to licensees who **are the subject of** an order which, while **permitting** continued practice, contains a probation or monitoring requirement.

**I. Document Return and Agency Notification**

The licensee **shall** promptly **forward** to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she **shall** promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee **should** contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

**2. Practice Cessation**

The licensee **shall** cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee **from rendering** professional **services, but** also from providing an opinion as to professional practice or its application, or representing him/herself **as** being eligible to practice. (Although the licensee need not affirmatively **advise** patients or others of the revocation, suspension or surrender, the licensee must **truthfully disclose** his/her licensure status in **response** to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office **space** in which another licensee provides health care **services. The** disciplined licensee may **contract for**, accept payment from another licensee for or rent at fair market value office **premises** and/or equipment. In no **case may** the **disciplined** licensee authorize, **allow** or condone the **use** of his/her provider number **by** any health care practice or any other licensee or health care provider. (In situations where the licensee **has been suspended for less** than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)

NJ License # -

### ADDENDUM

Any **licensee** who is the subject of an **order** of the Board **suspending**, revoking or otherwise conditioning the license, shall **provide** the following information at the time that the order is **signed**, if it is **entered by** consent, or immediately **after** service of a fully executed order **entered** after a hearing. The information required here is **necessary** for the Board to fulfill its reporting **obligations**:

Social Security Number': \_\_\_\_\_

List the **Name and Address** of any and all Health Care Facilities **with** which you **are** affiliated:

---

---

---

---

List the **Names** and **Address** of any and all Health Maintenance Organizations with which you are affiliated:

---

---

---

---

Provide the names and addresses of every person with whom you are associated in your professional practice.: (You may attach a blank sheet of stationery bearing this information).

---

---

---

<sup>1</sup> Pursuant to **45** CFR Subtitle **A** Section 61.7 and **45** CFR Subtitle **A** Section 60.8, the Board is required to obtain your Social Security Number and/or federal taxpayer identification number **in** order to discharge its responsibility to report **adverse** actions to the National Practitioner Data Bank **and** the HIP Data Bank.

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE  
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE  
HAS BEEN ACCEPTED**

**APPROVED BY THE BOARD ON MAY 10, 2000**

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the addendum to these directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.S.A.C. 13:45C-1 et seq. Paragraphs 1 through 4 below shall apply when a license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation or monitoring requirement.

**1. Document Return and Agency Notification**

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

**2. Practice Cessation**

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. (In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.)